

1 AMENDMENT TO SENATE BILL 1125

2 AMENDMENT NO. _____. Amend Senate Bill 1125, AS AMENDED,
3 by inserting at the end of the bill the following:

4 "Section 10. The Telephone Solicitations Act is amended
5 by changing Sections 5 and 15 as follows:

6 (815 ILCS 413/5)

7 Sec. 5. Definitions. For purposes of this Act:

8 "Caller Identification Service (Caller ID)" means a
9 service that allows a telephone subscriber to have the
10 telephone number and, where available, name of the calling
11 party transmitted contemporaneously with the telephone call
12 and displayed on a device in or connected to the subscriber's
13 telephone. ~~"Caller-ID"-means-the-display-to-the-recipient-of~~
14 ~~the-call-the-caller's-telephone-number-or-identity.~~

15 "Emergency telephone number" means any telephone number
16 which accesses or calls a fire department, law enforcement
17 agency, ambulance, hospital, medical center, poison control
18 center, rape crisis center, suicide prevention center, rescue
19 service, the 911 emergency access number provided by law
20 enforcement agencies and police departments.

21 "Seller" means any person or entity who, in connection
22 with a telephone solicitation, provides, offers to provide,

1 or arranges for others to provide goods or services to the
2 customer in exchange for consideration.

3 "Subscriber" means:

4 (1) A person who has subscribed to telephone
5 service from a telephone company; or

6 (2) Other persons living or residing with the
7 subscribing person.

8 "Telemarketer" means any person or entity who, in
9 connection with a telephone solicitation, initiates or
10 receives telephone calls to or from a customer or donor.

11 "Telephone solicitation" means any communication through
12 the use of a telephone by live operators for soliciting the
13 sale of goods or services.

14 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00.)

15 (815 ILCS 413/15)

16 Sec. 15. Method of operation.

17 (a) No person shall solicit the sale of goods or
18 services in this State by placing a telephone call during the
19 hours between 9 p.m. and 8 a.m.

20 (b) A live operator soliciting the sale of goods or
21 services shall:

22 (1) immediately state his or her name, the name of
23 the business or organization being represented, and the
24 purpose of the call; and

25 (2) inquire at the beginning of the call whether
26 the person called consents to the solicitation; and

27 (3) if the person called requests to be taken off
28 the contact list of the business or organization, the
29 operator must refrain from calling that person again and
30 take all steps necessary to have that person's name and
31 telephone number removed from the contact records of the
32 business or organization so that the person will not be
33 contacted again by the business or organization.

1 Compliance with Section 310.4(b) of the Federal Trade
2 Commission's Telemarketing Sales Rule shall constitute
3 compliance with this subsection (b)(3) of this Section.

4 (c) It is an abusive telephone solicitation act or
5 practice and a violation of this Act for any seller or
6 telemarketer to fail to either transmit or cause to be
7 transmitted the telephone number and, when made available by
8 the telemarketer's carrier, the name of the telemarketer, to
9 any caller identification service in use by a recipient of a
10 telephone solicitation; provided that it is not a violation
11 to substitute (for the name and phone number used in or
12 billed for making the call) the name of the seller or
13 charitable organization on behalf of which a telephone
14 solicitation is placed, and the seller's or charitable
15 organization's customer or donor service telephone number,
16 which is answered during regular business hours. A person may
17 not--solicit--the-sale-of-goods-or-services-by-telephone-in-a
18 manner-that-impedes-the-function-of-any-caller-ID--when--the
19 telephone--solicitor's--service--or--equipment--is-capable-of
20 allowing-the-display-of-the-solicitor's-telephone-number.
21 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00.)

22 Section 99. Effective date. This Act takes effect July
23 1, 2003."